

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL KRAUSE,
Plaintiff,

v.

TARA KRAUSE,
Defendant.

Case No. 1: 21-cv-01706-NONE-SAB

ORDER SETTING HEARING ON MOTION
TO EXPEDITE PROCEEDINGS FOR
DECEMBER 8, 2021 AT 10:00 A.M.

ORDER REQUIRING PLAINTIFF TO FILE
SUPPLEMENT BRIEFING PRIOR TO
HEARING

(ECF No. 9)

**DEADLINE: DECEMBER 7, 2021 AT
12:00 PM**

On December 3, 2021, Plaintiff filed a motion to expedite proceedings pursuant to the Convention on the Civil Aspects of International Child Abduction, executed at The Hague on October 25, 1980; and the International Child Abduction Remedies Act, 22 U.S.C. 9001 et seq. (ECF No. 9.) Plaintiff requests the hearing be set for December 8, 2021, at 9:00 a.m. in Courtroom 9. (Id.) The Court grants the request to hear the motion on December 8, 2021, however, the motion will be heard at 10:00 a.m.

Ultimately, it appears the majority of what this motion is requesting will ultimately need to be set before the District Judge assigned to this action for adjudication. It is not clear to the Court why this motion has been set before the undersigned. It is further unclear why this motion was required to be filed on a Friday afternoon and be heard on the following Wednesday, as

1 there does not appear to be a demonstrable urgency that is different from the circumstances that
2 have existed since July of 2021. Specifically, according to the filed motion, Plaintiff agreed to
3 go on vacation with Defendant, and the children alleged to have been abducted, to the United
4 States to visit family in June 2021. (ECF No. 9 at 3.) The parties were in agreement that
5 Plaintiff would return to Germany prior to Defendant and the children. (Id.) Defendant was
6 supposed to Germany with the children on July 7, 2021, however, Defendant informed Plaintiff
7 that she would not be returning to Germany with the children. (Id.) The Court shall order
8 supplemental briefing as to why this matter was required to be heard on such an expedited basis
9 before appearance by Defendant in this action.

10 Additionally, it appears the primary issue within the motion that the undersigned may
11 address is whether the Court should issue an order authorizing service on Defendant's alleged
12 attorney that represents Defendant in a state action, but has now communicated to Plaintiff's
13 counsel indicating they no long have authority to accept service on behalf of Defendant in this
14 action. (ECF No. 9 at 12-13.) In the Plaintiff's request for authorization of such service,
15 Plaintiff has provided no legal authority in support of the request. (Id.) The Court shall order
16 Plaintiff to do so prior to the December 8, 2021 hearing. The Court directs Plaintiff to address
17 the issues discussed within Fed. Ins. Co. v. Caldera Med., Inc., No. 215CV00393SVWPJW,
18 2015 WL 12655601 (C.D. Cal. Apr. 8, 2015), as well as provide any additional relevant
19 authority to the Court as to the propriety of the requested action at this juncture. Finally,
20 Plaintiff shall also provide the Court with an updated status report concerning the status of
21 service on Defendant generally.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. Plaintiff's motion to expedite proceedings is set for hearing on December 8, 2021,
24 in Courtroom 9 before United States Magistrate Judge Stanley Boone at 10:00
25 a.m.;
- 26 2. On or before Tuesday, December 7, 2021, at 12:00 p.m., Plaintiff shall file
27 supplemental briefing as to why this matter was required to be heard on an
28 expedited basis before appearance by Defendant in this action, given the Court's

concerns voiced above;

3. On or before Tuesday, December 7, 2021, at 12:00 p.m., Plaintiff shall file supplemental briefing providing legal authority in support of their request to authorize service on Defendant's state court attorney; and

4. On or before Tuesday, December 7, 2021, at 12:00 p.m., Plaintiff shall file a status report providing the Court with an update concerning the status of service on Defendant generally, and whether any further attempts at service have been completed, or further communications with Defendant's alleged counsel has been made since the filing of the motion.

IT IS SO ORDERED.

Dated: **December 3, 2021**


UNITED STATES MAGISTRATE JUDGE